

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,)
4 Plaintiff,) Case No. 2:16-cr-198-JCM-VCF
5 vs.) Las Vegas, Nevada
6 MICHAEL STEVEN SANDFORD,) December 13, 2016
7 Defendant.) 10:00 a.m.
8) Sentencing
9)
10)

11 TRANSCRIPT OF PROCEEDINGS
12 BEFORE THE HONORABLE JAMES C. MAHAN
13 UNITED STATES DISTRICT COURT JUDGE
14

15 APPEARANCES:

16 For the Government:

17 DANIEL SCHIESS
18 Assistant U.S. Attorney
19 District of Nevada
20 501 Las Vegas Boulevard South, Suite 1100
21 Las Vegas, Nevada 89101

22 For the Defendant:

23 BRENDA WEKSLER
24 RYAN NORWOOD
25 Assistant Federal Defenders
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Also present: Brian Blevins, US Probation

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by computer-aided transcription.

1 (Tuesday, December 13, 2016, 10:00 a.m.)

2 --oOo--

3 P R O C E E D I N G S

4 COURTROOM ADMINISTRATOR: This is the time set for
5 the imposition of sentence of Michael Steven Sandford, Criminal
6 Case No. 2:16-cr-198-JCM-VCF, United States of America versus
7 Michael Steven Sandford.

8 Counsel, please note your appearance for the record.

9 THE COURT: Mr. Schiess.

10 MR. SCHIESS: Thank you, Your Honor. I'm appearing
11 on behalf of Jared Grimmer who's unavailable today.

12 THE COURT: All right.

13 MR. SCHIESS: The case will remain assigned to him.

14 THE COURT: All right. Thank you.

15 Miss Weksler.

16 MS. WEKSLER: Good morning, Your Honor. Brenda
17 Weksler appearing on behalf of Mr. Sandford who is present and
18 in custody.

19 THE COURT: All right. And Mr. Blevins here from
20 probation.

21 All right. Any reason why sentence should not be
22 imposed at this time?

23 MR. SCHIESS: No, Your Honor.

24 MS. WEKSLER: No, Your Honor.

25 THE COURT: All right. Miss Weksler, let me ask you

1 and Mr. Sandford to approach the lectern, please. I need each
2 one of you by a microphone. And you as well as, if you want,
3 Mr. Norwood.

4 All right. Mr. Sandford, this is the time set for
5 imposition of sentence upon you in Case No. CR-S-2:16-cr-198.

6 On September 13, 2016, you appeared before the Court
7 and entered a plea of guilty to Count Three, being an illegal
8 alien in possession of a firearm, which is a violation of 18,
9 USC, Section 22 -- Section 922(g)(5) and 924(a)(2), and Count
10 Three, impeding and disrupting government business and official
11 functions, which is a violation of 18, USC, Section 1752(a)(2)
12 and (b)(1)(A).

13 Having reviewed the presentence report and the plea
14 agreement, the Court hereby accepts your guilty plea and
15 adjudicates you guilty of this charge.

16 And one objection was filed, and that's been
17 resolved. Is that correct?

18 MR. SCHIESS: Yes.

19 THE COURT: All right. And it pertained to the exact
20 name of the gun range Mr. Sandford utilized the day before the
21 commission of the instant offense.

22 All right, Miss Weksler. Do you have any objection
23 to the report?

24 MS. WEKSLER: We do not, Your Honor.

25 THE COURT: All right. Mr. Sandford, did you read

1 the presentence report?

2 THE DEFENDANT: Yes, I did, Your Honor.

3 THE COURT: Did you discuss it with your attorney?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Did you find any errors or discrepancies
6 in the report?

7 THE DEFENDANT: No, I did not, Your Honor.

8 THE COURT: All right. Probation calculated the base
9 offense level to be 14. Four levels were added because the
10 defendant used or possessed a firearm or ammunition in
11 connection with another felony offense or possessed or
12 transferred a firearm or ammunition with knowledge, intent, or
13 reason to believe that it would be used or possessed in
14 connection with another felony offense.

15 So pursuant to Sentencing Guideline Section
16 2K2.1(b) (6) (B), that results in an adjusted offense level of
17 18. A three level reduction for acceptance of responsibility
18 was applied, resulting in a total offense level of 15. The
19 total criminal history points are zero, resulting in a Criminal
20 History Category of Roman Numeral I.

21 For Counts Two and Three, the maximum statutory term
22 of imprisonment is 10 years, and the maximum statutory fine is
23 \$250,000. And a special assessment of \$100 per count is
24 mandatory.

25 Based on a total offense level of 15 and a Criminal

1 History Category of Roman Numeral I, the guideline range would
2 be 18 to 24 months, with a supervised release term of one to
3 three years, and the guideline fine range of \$7,500 to \$75,000.

4 All right. Mr. Schiess, any additional comments
5 before I impose sentence?

6 MR. SCHIESS: Yes, Your Honor.

7 Your Honor, the defense has filed a motion asking the
8 Court to be lenient on the defendant based upon the sentence,
9 and the probation office has recommended a year and a day.

10 The sentencing guideline range, as you know, is 12 to
11 18 months. Our position is, is that in terms of balancing the
12 factors under 3553, that a sentence within the range would be
13 appropriate.

14 Now, I appreciate and I'm very sympathetic to
15 Mr. Sandford's mental issues that are affecting him and the
16 longevity of it. But I'm also very concerned about the danger
17 that he poses to society which is a factor under 3553. And I
18 believe that the concern that we have there is merited.

19 And you have the pleadings that we have showing that
20 he has, by his admission, planned to carry out this criminal
21 activity for over a year. He thought about using a gun, then a
22 knife, and then -- I mean a rifle, then a knife, and then the
23 handgun.

24 But what's troubling about that is not merely the
25 planning that went into it, but his statement was that if he

1 was unsuccessful, he would have gone to Arizona to
2 President Elect Trump's next rally and then tried to carry it
3 out there.

4 Now my saying to -- that to the Court is that looking
5 now, taking that circumstance into the context, here we have
6 the defendant who's been treated now for the first time with
7 medication just recently. And we have a person who needs to --
8 in my layman's terms, but reading it in Dr. Roitman's report,
9 he needs to stay on medication for a long time.

10 And what's going to happen here is if the Court
11 follows the probation's recommendation and gives him a year and
12 a day, and then you subtract time served, minus good time, he's
13 going to be out in -- probably not eligible for halfway house
14 given his immigration status. He's going to be out in four
15 months.

16 My concern is -- and then once he's out in four
17 months, he's going to be into ICE custody and then most likely
18 immediately deported. When he's deported to England, there's
19 no criminal justice matter or procedure that's going to make
20 sure that he gets mental health treatment.

21 And so then the question -- and so we can't predict
22 what the crystal ball says is going to happen in England. We
23 can only deal with what's in front of us.

24 So my concern is, is that to protect the community,
25 that we make sure that Mr. Sandford gets counseling for a

1 sufficient period of time and mental health observation and
2 medication for a sufficient period of time to make sure that it
3 becomes, in one sense, a habit; two, that he's willing to stay
4 on the medication so that he's in self-control of using what it
5 takes to avoid the issues that he has.

6 Without being an expert, it just seems to me that
7 given the longevity of his problem, which essentially has been
8 increasing over a lifetime but particularly in the last four
9 years, that four months isn't enough to really feel comfortable
10 for the community.

11 So a recommendation is that if you fashion a sentence
12 for 18 months, give him the six months' time served, that
13 leaves a year. Take off about two and half months for good
14 time, that still will give him probably about 10 months left to
15 serve.

16 And with the power of the Court, that seems to me to
17 be a period of time sufficient for Bureau of Prisons to be able
18 to say "Is this working for him," so that we can protect not
19 only the people here but, you know, in the country where he's
20 going.

21 THE COURT: But my understanding of time off for good
22 time, which he'd be eligible for, 12 months and a day, would be
23 54 days.

24 MR. SCHIESS: Which is almost two months.

25 THE COURT: That's 10 months.

1 MR. SCHIESS: Two months. So --

2 THE COURT: But I mean, so he would be serving 10
3 months. A sentence of 12 months and a day, he'd be serving 10
4 months.

5 MR. SCHIESS: So he has only four -- I'm sorry to
6 interrupt you. I apologize.

7 THE COURT: No. No. No. So that -- you said four
8 months. My understanding is it would be 10 months.

9 MR. SCHIESS: Then I may have misspoken. If you
10 impose the sentence of a year and a day, he actually only has
11 to serve about 10 months, which means subtract six months from
12 that, he's left with four months to serve. Which my --

13 THE COURT: But why would he go to a halfway house
14 with just 10 months?

15 MR. SCHIESS: Well, he probably can't. Because of
16 his immigration status not be eligible for a halfway house.

17 THE COURT: So, I mean, so it seems to me we are
18 looking at 10 months under -- under Miss Weksler's proposal.

19 MR. SCHIESS: Four months left under her proposal.
20 And the question -- and he just went through Dr. Roitman's
21 assessment. So he's recently been on medication --

22 THE COURT: No, I understand. I understand, and I
23 agree with what you're saying that -- that it seems to me that
24 Mr. Sandford has mental health issues which -- which need to be
25 addressed.

1 MR. SCHIESS: And the question is can they be
2 sufficiently addressed to make sure he's going to be following
3 the regimen in four -- the remaining four months, or does the
4 Court need to have probation look at him or Bureau of Prisons
5 look at him for 10 months left. Is 10 months better than four
6 months to be able to make sure that he's going to follow the
7 situation and not be a danger to the community.

8 THE COURT: And I am just not understanding. How is
9 it four months?

10 MR. SCHIESS: Oh, well, if you give him a year and a
11 day --

12 THE COURT: Uh-huh. He'll get off -- good time,
13 he'll get out --

14 MR. SCHIESS: He has 10 months left.

15 THE COURT: -- 54 days off. So it will be roughly 10
16 months.

17 MR. SCHIESS: So 10 months, he's already served six,
18 so he would get credit for time served.

19 THE COURT: Oh, I see what you're saying. He's
20 already served six. But he's been undergoing treatment during
21 the six months he's been incarcerated; has he not?

22 THE DEFENDANT: Yes, sir.

23 MS. WEKSLER: (Nods head.)

24 MR. SCHIESS: I don't know it's been the entire six
25 months though. I'd have to go back and look at the date

1 Dr. Roitman's --

2 THE COURT: All right.

3 MR. SCHIESS: -- report is. So that's my concern is,
4 you know --

5 THE COURT: Okay. All right.

6 MR. SCHIESS: -- if we do it a little bit longer than
7 the four months remaining, then are we in a better position to
8 better protect the community.

9 THE COURT: All right.

10 MR. SCHIESS: Thank you.

11 THE COURT: All right.

12 All right. Mr. Sandford, would you like to address
13 the Court? Would you like to have your attorney speak on your
14 behalf? Or both of you may speak. It's your option.

15 THE DEFENDANT: Yes, both, please, if that's okay. I
16 mean, I know that saying sorry is not enough, but I really do
17 feel awful about what I did. I mean, I don't want to hurt
18 anyone. I feel so bad about what I did. And I just wish there
19 was some way that I could make things better.

20 I know that there's no way I can. But I just feel
21 terrible and do -- to everyone involved. I've taken up so much
22 time. I've caused so many problems. I've caused the taxpayers
23 so much money, and I just feel terrible about it.

24 THE COURT: But you shouldn't feel terrible about it.
25 You know, people are concerned about you.

1 THE DEFENDANT: Thank you, Your Honor.

2 THE COURT: There's a positive side to that, that
3 people are concerned about you. You understand?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: So I think part of your problem, maybe
6 you just feel alone. But I hope this has brought home to you
7 that you are not alone. That there's help out there, and
8 people are concerned about you.

9 THE DEFENDANT: Thank you, Your Honor. That means a
10 lot to me. Thank you.

11 THE COURT: Okay.

12 THE DEFENDANT: And I'm just really sorry to you and
13 to the Court for taking up so much of your time.

14 THE COURT: Well, that's why I get the big bucks,
15 Mr. Sandford.

16 MS. WEKSLER: Judge, I think that the point that the
17 government makes are good points. But as the Court has noted,
18 Mr. Sandford has been undergoing treatment since he's been
19 incarcerated. And I think one of the good things about the
20 treatment is that Mr. Sandford now recognizes the difference.

21 The way that he looks at things has changed much
22 since he's been undergoing treatment. And he's under
23 psychotropic drugs that allow him to make formed thoughts and
24 make decisions that before he would not have been able to.

25 I guess one of the things that I would like to

1 respond to in terms of government's argument is that
2 Mr. Sandford's going to face these concerns whether he's let
3 out in four months, nine months, 18 months. The main thing
4 here is that he needs to continue undergoing treatment --

5 THE COURT: Yes.

6 MS. WEKSLER: -- as the Court noted.

7 THE COURT: That's Mr. Schiess's point is that, you
8 know, he needs treatment.

9 MS. WEKSLER: Correct. But I think treatment is more
10 than just taking medication. Treatment also requires or it
11 helps when you have the support of your family.

12 THE COURT: Yeah.

13 MS. WEKSLER: And his family is in England. His
14 family is actually present in court today. His mom is here,
15 his dad, his sister, and his grandmother. And they are
16 incredibly supportive, and they care for him deeply. And he's
17 going to have the kind of support system present with him in
18 England whenever this Court releases Michael.

19 So I think that the most important part of treatment
20 is the fact that you have that family support to care for you,
21 to ensure that you are taking your medications, to ensure that
22 you are seeing the psychiatrist that you need to be seeing.

23 And he has that in place. He's very lucky to have
24 that in place. A lot of my clients, and the Court has seen
25 many individuals in the past, do not have that support system

1 in place, which is what allows for those individuals to go back
2 into the community and unfortunately commit more crimes.
3 Michael is in a very different position, and he's lucky enough
4 to have that support with him.

5 So while I understand the government's concern, there
6 is enough of a support mechanism in place to make it somewhat
7 less likely that that will happen.

8 As far as the kind of planning that went into this,
9 Judge, I think that the report that Dr. Roitman prepared is
10 pretty accurate. Mr. Blevins prepared a very thorough report
11 as well.

12 It's clear to me that while he made statements
13 indicating that he had been planning this for a year, the facts
14 sort of speak for themselves.

15 Mr. Sandford had been in the United States for over a
16 year by that point. And President Trump had been campaigning
17 mostly in the East Coast at the beginning. So if it's true
18 that he really wanted to accomplish this goal, he would have
19 started going to the rallies beforehand in the East Coast,
20 where he was at, scoping out the situation, trying to see what
21 kind of firearms he would be dealing with, if that was his plan
22 to truly disarm the security guard as Mr. Blevins described in
23 the PSI.

24 He would have been unable to do so, not to mention
25 the fact that you can see Mr. Sandford. He is a very small

1 person, and his ability to actually wrestle with the security
2 guard would have been impossible. He would have never been
3 able to actually accomplish this.

4 So while you do have him going into the firearm range
5 the day before, this is really not a plan. This is mostly --
6 it's an act of following command hallucinations. He's just
7 answering to voices that he's been hearing, unfortunately, for
8 a very long time.

9 So I guess what I'm trying to get to is this was not
10 truly an act of volition. This was something that he was
11 responding to as a result of a very serious -- not just one,
12 but a variety of different mental health conditions that he's
13 been suffering from for a very long time.

14 THE COURT: Well, let me cut -- I'm not going to cut
15 you off.

16 MS. WEKSLER: That's okay.

17 THE COURT: But I think the most important part is,
18 is that he recognizes -- you know, you recognize you need help.

19 THE DEFENDANT: Yes, I do, Your Honor.

20 THE COURT: You understand? I mean, because if he
21 said, "I don't need help. I'm great. Nothing wrong with me,"
22 you know, that's -- that's the danger, you know, and -- because
23 then those forces take over your life. You understand?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And as you know, that's what -- that's

1 what got you into trouble here.

2 Now, go ahead. I -- you said the most important part
3 was family support. I think that's important, but with someone
4 who needs mental health treatment, he's got to accept the
5 treatment and say, "Yeah, this is something I need just to keep
6 me going on an even keel so I can be a success in life."

7 Because there's no reason you can't be successful.
8 You've got the potential if you just apply yourself.

9 THE DEFENDANT: Thank you, Your Honor.

10 THE COURT: Now, go ahead. I didn't mean to cut you
11 off.

12 MS. WEKSLER: No, it's fine. It's fine, Judge.

13 THE COURT: But I wanted to give you a chance if you
14 want to respond to me or anything else.

15 MS. WEKSLER: I will. Yes, just very briefly. I
16 want the Court to know that we have been meeting with Michael
17 very regularly just because we recognize that he's very young;
18 that he does not have family support. He's never been in this
19 kind of an environment before. This is the first time that
20 he's ever even been arrested for anything. So we've been
21 meeting with Michael very regularly.

22 And one of the changes that I have observed in
23 Michael is that you can tell that he is -- he's much more
24 accepting of the fact that he needs treatment and medication
25 than he would have ever been at the beginning. Right?

1 So, at the beginning, as he stated many, many times
2 to many different people, he was not really willing -- being a
3 willing participant in that respect. And I think Michael
4 realizes that that lack of treatment, that lack of cooperation
5 in terms of cooperating with psychiatrists and doctors is what
6 got him into the kind of mess that he is in right now.

7 And that's something that we've seen evolve
8 throughout the months that we've been visiting Michael. So I
9 did want the Court to know that.

10 THE COURT: All right. I mean, I can see he's
11 different from when he entered -- when he changed his plea.
12 What was that? Three months ago. You know, you look much more
13 at ease, much more at peace.

14 THE DEFENDANT: Thank you, Your Honor.

15 MS. WEKSLER: And his medication has increased since
16 then as well, Judge. We've been following that with the
17 prison, with the -- with Pahrump that his medication has gone
18 up from 3 milligrams to 5 milligram since.

19 So, Judge, it's -- I think that the probation
20 department makes a really good case for what a fair sentence
21 should be in this case.

22 Mr. Sandford is eager to go home. He wants to be
23 with his family. He is very alone, very much in need of his
24 family, and his wishes are that the Court enter a sentence of
25 credit for time served. That's what Michael would like the

1 Court to do.

2 I know that the Court has many things that it needs
3 to consider. I do want to emphasize the fact that the
4 individuals that have spent the most time with Michael have
5 been, of course, counsel and Mr. Blevins, who spent a very long
6 period of time during the PSI interview and preparing the
7 report.

8 So with all of those things in mind, I just ask the
9 Court to -- to fashion a sentence that's fair in this case.

10 THE COURT: All right. Probation want to add
11 anything?

12 PROBATION OFFICER: No. Thank you, Your Honor.

13 THE COURT: All right. Because I think you did a
14 very complete report, a thorough report.

15 Now, Michael's mother, I got a handwritten note or
16 statement. Did she want to testify? Was that the --

17 MS. WEKSLER: Judge, if the Court would like to hear
18 from Lynne, she's here.

19 THE COURT: If she wants -- if she wants -- I'll make
20 the statement a part of the record, but if you want to speak, I
21 will give you a chance to speak as well.

22 MRS. SANDFORD: I would like that, please, Your
23 Honor.

24 THE COURT: All right.

25 MS. WEKSLER: Judge, we appreciate that.

1 THE COURT: Have a seat then and let me bring her
2 forward. Just right up here by a microphone. First of all,
3 give us your name, and then make your statement.

4 MRS. SANDFORD: My name is Lynne Sandford. I'm
5 Michael's mother.

6 (Off-the-record discussion between Ms. Weksler and
7 Mrs. Sandford.)

8 MRS. SANDFORD: I'm Michael's mother, and he means
9 everything to me. He means everything to this entire family.

10 I lost my father and my brother when I was a child,
11 and Michael coming into the world was the only male in this
12 family. He was cherished and adored. He always has been. He
13 always will be.

14 He made a very, very bad mistake earlier this year, a
15 huge error of judgment, but he was under the culmin [sic] of
16 influences of years and years of undiagnosed medical problems.
17 And it breaks my heart to see him in this environment.

18 He always showed such promise, such caring,
19 compassion for the world and the people in it. And he has so
20 many people back in England who know that this is not the true
21 Michael. That this is just something terrible that has
22 happened to him.

23 Everybody knows he's a good person at heart, and he
24 needs to come and get psychiatric care back home and be
25 rehabilitated by the supportive people who care about him.

1 He's very remorseful for what he did, not only that day but for
2 the effects it's had on the family. And he just desperately,
3 desperately needs us, and we need him to draw a line under this
4 and to make sure he gets the care and the support and the
5 medication he needs to rebuild his life from here.

6 THE COURT: All right.

7 MRS. SANDFORD: Thank you, Your Honor.

8 THE COURT: All right. Thank you. And your written
9 statement, unless there's an objection, I'll make that a part
10 of the record as well.

11 MS. WEKSLER: Thank you, Your Honor.

12 THE COURT: And I left it on my desk, David, but I'll
13 bring it out right after.

14 All right. If you would, you all come back forward,
15 please.

16 MS. WEKSLER: Judge, I do have one more thing --

17 THE COURT: Sure.

18 MS. WEKSLER: -- I wanted to show the Court. And I
19 neglected to show this to counsel, if I could have one moment.

20 THE COURT: Sure.

21 (Showing document to Mr. Schiess.)

22 MS. WEKSLER: So, Judge, I think this is really sort
23 of telling of truly who Michael is.

24 During the years that I have been practicing here, I
25 have gotten plenty of thank you cards from clients of mine.

1 But I think this sort of shows you at heart who Michael truly
2 is. He's very much a child. Not only is he young, as far as
3 age -- he's only 20 -- but I think that maturity-wise, he's
4 just much, much younger. And I just wanted to offer the Court
5 this handwritten note that he made for me, which I think
6 exemplifies who he is.

7 THE COURT: Do you want me to make this a part of the
8 record, or I can have it photocopied and make the photocopy.

9 MS. WEKSLER: Okay. I would like it back.

10 THE COURT: Yes. Yeah, that's -- make that -- just
11 photocopy that, and we will return that to you.

12 MS. WEKSLER: Thank you, Judge.

13 THE COURT: Yes. All right. Anything else?

14 All right. All right. Having heard the statements
15 of counsel for the government, counsel for the defendant, and
16 the defendant's remarks, and having reviewed the entire record,
17 the presentence report submitted by probation department,
18 considering its contents and the contents of the plea
19 agreement, the Court hereby accepts the terms of the plea
20 agreement and will embody those terms in the sentence provided.

21 Of course overriding everything are the factors set
22 forth in 18, USC, Section 3553(a) when determining an
23 appropriate sentence.

24 Some people have -- we see the ads on TV for the
25 various medications. They need, oh, the purple pill, Nexium,

1 and that's something they have to take for the rest of their
2 life, because they have a physical problem, a medical problem,
3 acid reflux.

4 And you see ads for other things. You know, the --
5 for the Crestor or Lip- -- what is it? Lipitor? Because they
6 need -- they've got high cholesterol. You have a medical
7 problem. You understand?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: There's nothing to be ashamed of or
10 embarrassed about. You just have a problem. You need
11 medication. And but you're like a lot of other people that
12 need medication to function. You understand?

13 THE DEFENDANT: Yes, Your Honor. I do.

14 THE COURT: And that's all. So it's important that
15 you stay on -- that you stay on that medication and not fall
16 into the same -- because what -- what is waiting for you is the
17 trap, and you see what a trap it is. You know, if you get off
18 the medication, it's -- you know, it's a downward, downward
19 spiral. So you need to -- for the rest of your life or until
20 the doctors say you don't need it, but that's something that
21 you need to address.

22 But I -- I think you are not a harden criminal. I
23 don't see the -- you know, an evil -- you're a sociopath, like
24 a lot of people we have. And you're willing to address your --
25 the main thing is you've addressed your mental health issues,

1 and you've expressed a willingness to continue. I want to
2 encourage you to do that, because if you are off the
3 medication, it's just like, you know, cholesterol medication.
4 You put your health in danger, and you put your life in danger,
5 and you're going to be doing, you know, goofy, crazy stuff,
6 which is what I think this was.

7 I don't think this was a serious attempt. And by
8 that I mean I don't think you had -- you harbored malice in
9 your heart and you wanted to kill anybody. This was just some
10 crazy stunt or whatever, that -- that your mind told you to do,
11 but it was just that. It was just something that was totally
12 out of character for you.

13 So I want to encourage you to keep on doing what you
14 are doing. Stay on the medication and keep going. But I think
15 the appropriate sentence is 12 months and a day. And I think
16 probation's -- that's been a complete report, and I think
17 that's appropriate.

18 THE DEFENDANT: Thank you, Your Honor.

19 THE COURT: And then there may be time off. And I
20 wasn't thinking of the time off for time -- for time served,
21 but -- or the credit for time served, but I think that's
22 appropriate.

23 Your family is waiting for you. You want to get back
24 to England, and, you know, it's just important that for the
25 rest of your life, you keep up the treatment. All right?

1 THE DEFENDANT: Yes, Your Honor. Thank you.

2 THE COURT: But you're not -- I don't think you're an
3 evil person or someone "We need to incarcerate you. We need to
4 lock you up." It's just I think the medication addresses your
5 problems, and now you can go on and be productive.

6 THE DEFENDANT: Thank you, Your Honor.

7 THE COURT: Yes, sir. So I just want to encourage
8 you to stay in that frame of mind.

9 So you are hereby committed to the Bureau of Prisons
10 for a term of 12 months and one day. And I think probation's
11 appropriately identified a downward variance with reasonable
12 conditions, because it will hold you accountable for your
13 behavior.

14 It will hold you accountable for your behavior and
15 still promote a deterrence of future criminal conduct and
16 continue to protect the public from further crimes of
17 Mr. Sandford. I think he does appreciate the gravity of his
18 circumstances and hopefully can learn from this experience.

19 So that sentence is not within the guideline range,
20 but it's a downward variance for the reasons that I have set
21 forth.

22 A mandatory penalty assessment of \$100 is required by
23 statute and due immediately. Restitution does not apply in the
24 case. And due to the defendant's financial situation, the fine
25 is being waived.

1 Supervised release will be imposed for a term of
2 three years to run concurrently on Counts Two and Three.

3 While on supervised release, the defendant shall
4 comply with the standard conditions of supervision recommended
5 by the sentencing commission and the following mandatory
6 conditions required by statute.

7 One, number one, you must not commit another federal,
8 state, or local crime.

9 Number two, you must not unlawfully possess a
10 controlled substance.

11 Number three, you must refrain from any unlawful use
12 of a controlled substance. And probation has recommended that
13 we suspend that, so I won't impose number three, the drug
14 treatment. I don't think you need drug treatment. I think
15 mental health treatment is appropriate.

16 THE DEFENDANT: Thank you, Your Honor.

17 THE COURT: So we'll address that, but I'm going to
18 suspend that then.

19 You must -- number three then, you must cooperate in
20 the collection of DNA as directed by the probation officer.

21 In addition, the following special conditions are
22 imposed. And this is probably the most important one.

23 Number one, mental health treatment. You shall
24 participate in and successfully complete a mental health
25 treatment program, which may include testing, evaluation,

1 and/or outpatient counseling as approved and directed by the
2 probation officer.

3 You shall refrain from the use and possession of
4 beer, wine, liquor and other forms of intoxicants while
5 participating in mental health treatment. Further, you shall
6 be required to contribute to the cost of services for such
7 treatment as approved and directed by the probation officer
8 based upon your ability to pay.

9 Number two, deportation compliance. If deported, you
10 shall not reenter the United States without legal
11 authorization.

12 Number three, warrantless search. You shall submit
13 to the search of your person, property, residence, place
14 business, and automobile under your control to a search
15 conducted by a United States probation officer, at a reasonable
16 time and in a reasonable manner, without a search warrant, but
17 based upon reasonable suspicion of contraband or evidence of a
18 violation of a condition of supervision.

19 Failure to submit to a search may be grounds for
20 revocation of supervision. And the defendant shall inform any
21 other occupant that the premises are subject to a search
22 pursuant to this condition.

23 All right. And Mr. Blevins, do you have a copy of
24 those conditions? If you'd present that in open court to the
25 defendant and he may study them as he sees fit.

1 In your plea agreement, you waived your rights to
2 appeal your conviction and sentence. Nevertheless, there may
3 be certain appellate rights that cannot be waived.

4 If you do desire to appeal your conviction and
5 sentence, you must file notice of appeal with this Court within
6 14 days from today's date.

7 In the event you cannot afford to pay the costs on
8 appeal, you may request permission to proceed in forma
9 pauperis.

10 If you require the services of an attorney to assist
11 you on the appeal and cannot afford to pay an attorney, one
12 will be appointed to represent you at no cost to yourself but
13 at government expense.

14 And if you require any transcripts of any proceedings
15 in order to prosecute your appeal and cannot afford to pay for
16 those transcripts, they also will be provided at government
17 expense. Do you understand all of that?

18 THE DEFENDANT: Yes, Your Honor. Thank you.

19 THE COURT: All right. Anything else to come before
20 the Court then?

21 MS. WEKSLER: One last matter. We submitted a motion
22 to Judge Ferenbach.

23 THE COURT: There's a motion for visitation. Now,
24 that's up to the marshals.

25 MS. WEKSLER: And, Judge, if I may. I have spoken to

1 Steven Carpenter who is usually the one that we deal with for
2 these types of purposes. His family was allowed to visit with
3 him at the marshal's office prior to him entering his plea of
4 guilty. And Mr. Carpenter related to us that there would be no
5 problem with that happening. So we just don't have a court
6 order, but if the Court could allow that to happen, his family
7 is here.

8 THE COURT: And I would order that to happen. But
9 understand what I'm really doing is deferring to the marshals,
10 because we've had them before.

11 And frankly, it's heartrending sometimes in
12 sentencing somebody to 10 years, and the mother says, "Could I
13 at least give him a hug good-bye?"

14 "Nope. Can't do it."

15 MS. WEKSLER: No, and I understand, Judge. I mean --

16 THE COURT: No personal contact. So understand it's
17 nothing personal or vindictive, but it's simply a security
18 concern of the marshals. So if the marshals will allow it,
19 then I order that he have that.

20 MS. WEKSLER: We appreciate that, Judge.

21 THE COURT: Now, recommendation as to -- any request
22 for a recommendation?

23 MS. WEKSLER: No, Judge. A place that would just
24 accommodate his mental health needs.

25 THE COURT: Okay. So that would be number one, where

1 he can get his mental health issues -- continue to get them
2 treated. That's the most important thing.

3 All right? Mr. Schiess, do you have something more?

4 MR. SCHIESS: Yes, Your Honor. We'd move to dismiss
5 Count One of the indictment.

6 THE COURT: And that will be the order of the Court
7 then.

8 Anything else to come before the Court?

9 MR. SCHIESS: No, sir. Thank you.

10 THE COURT: Yes. Thank you.

11 MS. WEKSLER: Thank you, Judge.

12 THE COURT: Thank you. We'll be in recess.

13 THE DEFENDANT: Thank you, Your Honor. Thank you.

14 THE COURT: Yes, sir. Good luck, sir.

15 THE DEFENDANT: Thank you.

16 (Recess, 10:31 a.m.)

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COURT REPORTER'S CERTIFICATE

I, KATHERINE EISMANN, Official Court Reporter, United States District Court, District of Nevada, Las Vegas, Nevada, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Date: December 22, 2016.

/s/ Katherine Eismann

Katherine Eismann, CSR CRR RDR